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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/652,330	08/29/2003	Uri Elzur	13783US02	1614
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EXAMINER				
HOANG, HIEU T				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/652,330

**Applicant(s)**

ELZUR ET AL.

**Examiner**

HIEU T. HOANG

**Art Unit**

2452

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) 1-2, 4-17, 26-32 and 42-49 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18-21, 25 and 33-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This office action is in response to the communication filed on 03/04/2009.
2. Claims 1-42 are pending.

### ***Election/Restrictions***

3. Applicant's election with traverse of the election/restrictions in the reply filed on 03/04/2009 is acknowledged. The traversal is on the ground(s) that the two inventions both belong to a same class in the field of search. This is not found persuasive.

Invention I) Claims 1, 2, 4-17, 26-32, 42-49, drawn to a system/method comprising a plurality of servers, each comprising by a distinct integrated convergent network controller chip for processing traffics for the server.

Invention II) Claims 18-21, 25, 33-41, drawn to a system/method comprising a plurality of servers, comprising a single integrated convergent network controller chip processing traffics for all of the plurality of servers.

4. The inventions are independent or distinct and are not obvious variants of each other based on the current record. For instance, it would not be obvious to modify from a single integrated convergent network controller chip (ICNCC) (for processing a plurality of traffics) of invention II to separate integrated convergent network controller chips for the plurality of servers of species I, and vice versa. Invention II requires *one single ICNCC* which serves as a centralized element for processing traffics *for a plurality of servers*. On the other hand, invention I requires *three separate ICNCC's* for serving three servers in a decentralized manner.

There is an examination and search burden for these patentably distinct species due to their mutually exclusive characteristics. The species require a different field of search (e.g., *employing different search queries*); and/or the *prior art applicable to one species would not likely be applicable to another species*.

The requirement is still deemed proper and is therefore made FINAL.

5. Claims 1-2, 4-17, 26-32 and 42-49 are withdrawn due to being non-elected invention.
6. Claims 18-21, 25, 33-41 are presented for examination.

### ***Response to Arguments***

7. Applicant's arguments regarding claims 18-21, 25, 36-41 have been fully considered but they are moot in view of new ground(s) of rejection.
8. Applicant's arguments regarding claims 33-36 have been fully considered but they are not persuasive. Applicant argues that the prior art does not teach a chip coupled to an L2 connector, the chip enabled to concurrently process a plurality of different types of network traffic. This argument is respectfully traversed. Philbrick clearly shows and discloses that a single L2 SAN connector can run SCSI over TCP/IP (SCSI (first traffic) over TCP/IP (second traffic using a same protocol stack) (Philbrick, [0065] lines 15-17). Satran et al. in draft-ietf-ips-iscsi-07.txt discloses that (iSCSI) communication between a client (initiator) and server (target) occurs over one or more TCP connections (1.2.1, par. 1-4). One skilled in the art would appreciate that layer 4

TCP/IP (described in [0050] by Philbrick) is inherently supported in an iSCSI. Therefore, SCSI over TCP supports both SCSI traffic and TCP traffic. Furthermore, given the broadness of "different types of traffic," any two different traffics can be read as different types of traffic. Many sections in Philbrick disclose handling at least two traffics over a same fabric (fig. 14, [0084], [0085], NAS traffic and network storage traffic over network line 644, utilizing iSCSI and TCP/NetBios/SMB, [0085], iSCSI and TCP/NetBios/SMB, fig. 15, [0093], [0097], [0099], fast path audio and video traffics and real time voice/video traffics and NAS, RTP/RTCP and SIP and MGCP)

***Claim Rejections - 35 USC § 112***

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 20, 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. For claim 20, "the blade server" lacks antecedent basis. For claim 21, "the server" lacks antecedent basis; "a plurality of other servers" are not referred back to previously recited servers. Applicant is requested to fix similar antecedent basis errors in the claims.

11. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

12. Claims 36-41 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. For claims 36 and 39, the examiner cannot find any support in the specification for "a... chip that enables *concurrent hardware, firmware and software* processing functionalities of a plurality of different types of traffic." Correction is required.

***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 18, 20, 22-29, 31, 32 and 36-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Philbrick et al. (US 2001/0037406, hereafter Philbrick), in view of Haviv (US 2002/0059451)

15. For claim 18, Philbrick discloses a server, comprising:

- a single integrated convergence network controller chip (fig. 6, fig. 1, network interface card INIC 22);
- a single Ethernet connector for handling a plurality of different types of network traffic (fig. 16, one of the Ethernet connectors for receiving multiple traffic types, [0065], SCSI and TCP, or Etherstorage or SEP and TCP, [0069] lines 20-23, different storage protocols over TCP/IP, [0084], [0085], NAS traffic and network storage traffic over network line 644, utilizing iSCSI and TCP/NetBios/SMB, [0085], iSCSI and TCP/NetBios/SMB, fig. 15, [0093], [0097], [0099], fast path audio and video traffics and real time voice/video traffics and NAS, RTP/RTCP and SIP and MGCP)),
- the single Ethernet connector is coupled to the single integrated convergent network controller chip ([0066] lines 12-15, Ethernet connector 424 coupled to the INIC),
- the single integrated convergence network controller chip is operable to concurrently process the plurality of different types of traffic ([0065] lines 15-21, at least two traffics SCSI and TCP/IP, fig. 14, [0084], [0085], NAS traffic and network storage traffic over network line 644, utilizing iSCSI and TCP/NetBios/SMB, [0085], iSCSI and TCP/NetBios/SMB, fig. 15, [0093], [0097], [0099], fast path audio and video traffics and real time voice/video traffics and NAS, RTP/RTCP and SIP and MGCP)).

Philbrick does not explicitly disclose different types of network traffic transported via a single fabric for the plurality of servers; the single fabric is coupled to a plurality of servers.

However, Haviv discloses different types of network traffic transported via a single fabric for the plurality of servers; the single fabric is coupled to a plurality of servers (fig. 5, [0014], [0019], [0022], [0044], servers 54 and a single fabric connecting to servers for transporting different traffic types, RDMA over TCP/IP, SAN, SCSI RDMA, socket direct protocol... for the servers)

It would have been obvious for one skilled in the art at the time of the invention to combine the teachings of Philbrick and Haviv to utilize a single chip for processing multiple traffic types for a plurality of servers via a single fabric in order to reduce usage of hardware and/or network resources and costs.

16. For claim 20, Philbrick-Haviv further discloses the blade server has a single Internet protocol (IP) address (Philbrick, [0053] IP address).

17. For claim 21, Philbrick-Haviv further discloses the server is part of a data center (Philbrick, fig. 14, storage center), and the data center comprises a plurality of other servers coupled to each other via the single fabric (Haviv, fig. 5).

18. For claim 25, Philbrick-Haviv further discloses the plurality of different types of traffic comprises at least two of network traffic, storage traffic, interprocess



communication (IPC) traffic and cluster traffic (Philbrick, [0065] lines 15-21, network traffic TCP/IP and storage traffic SCSI, Haviv, [0019]).

19. For claim 36, Philbrick discloses a system for communication, the system comprising: a single integrated convergent network controller chip that enables concurrent hardware, firmware and software processing functionalities of a plurality of different types of traffic that are received via a single layer 2 (L2) connector (fig. 6, [0065] lines 15-21, a single integrated network controller INIC 400 with a single L2 SAN connector for at least two traffics (SCSI and TCP/IP traffics), fig. 14, [0084], [0085], NAS traffic and network storage traffic over network line 644, utilizing iSCSI and TCP/NetBios/SMB, [0085], iSCSI and TCP/NetBios/SMB, fig. 15, [0093], [0097], [0099], fast path audio and video traffics and real time voice/video traffics and NAS, RTP/RTCP and SIP and MGCP, fig. 13, protocol processing using the INIC is hardware and driver—software/firmware)

Philbrick does not explicitly disclose the connector is communicatively coupled to a plurality of servers via a single fabric.

However, Haviv discloses transporting different types of network traffic transported via a single fabric for the plurality of servers (fig. 5, [0014], [0019], [0022], [0044], servers 54 and a single fabric connecting to servers for transporting different traffic types, RDMA over TCP/IP, SAN, SCSI RDMA, socket direct protocol... for the servers)

It would have been obvious for one skilled in the art at the time of the invention to combine the teachings of Philbrick and Haviv to utilize a single chip for processing multiple traffic types for a plurality of servers via a single fabric in order to reduce usage of hardware and/or network resources and costs.

20. For claim 37, Philbrick-Haviv discloses said single integrated convergent network controller chip comprises a layer 2 network interface card (L2 NIC) (Philbrick, [0065] lines 7-11, Ethernet, fig. 24, MAC controller), a transmission control protocol (TCP) processor, an iSCSI processor ([0065] lines 15-21, iSCSI processing over TCP/IP) and a remote direct memory access (RDMA) processor (fig. 25, DMA controller), and a Management Agent processor ([0106], last sentence).

21. For claim 38, Philbrick-Haviv discloses said plurality of different types of network traffic comprises at least two of a network traffic, storage traffic, interprocess communication (IPC) traffic and cluster traffic (Philbrick, fig. 6, [0065] lines 15-21, a single L2 SAN connector in an INIC (integrated circuit) for both storage SCSI traffic and network TCP/IP traffic).

22. For claims 39-41, the claims are rejected for the same rationale as in claims 36-38 respectively.

23. Claims 33-35, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Philbrick, and further in view of Microsoft (03/03/2001, Winsock Direct and Protocol Offload on SANs).

24. For claim 33, Philbrick discloses a method for communication, the method comprising:

in a data center, accessing a storage system over a single fabric, wherein said single fabric comprises a single layer 2 (L2) connector coupled to a single integrated convergent network controller chip that is enabled to concurrently process a plurality of different types of traffic (fig. 6, L2 connector coupled to the INIC-- integrated convergent network controller chip, [0065] lines 15-21, single L2 connector for network traffic TCP/IP and storage traffic SCSI, fig. 14, [0084], [0085], NAS traffic and network storage traffic over network line 644, utilizing iSCSI and TCP/NetBios/SMB, [0085], iSCSI and TCP/NetBios/SMB, fig. 15, [0093], [0097], [0099], fast path audio and video traffics and real time voice/video traffics and NAS, RTP/RTCP and SIP and MGCP); and accessing a network over the single fabric ([0065] lines 15-21, network traffic TCP/IP and storage traffic SCSI).

Philbrick does not explicitly disclose accessing a cluster over the single fabric.

However, Microsoft discloses accessing a cluster over the single fabric (fig. 2, page 5 lines 7-8, RDMA support for clustering traffic, RDMA running over TCP/IP).

Therefore, it would have been obvious for one skilled in the art at the time of the invention to combine the teachings of Philbrick and Microsoft to further provide more functions such as RDMA support on a iSCSI enabled NIC of Philbrick.

25. For claim 34, Philbrick-Microsoft discloses the invention as in claim 33. Philbrick-Microsoft further discloses said accessing of said storage system over said single fabric are performed over a single Ethernet connector of a server in the data center (Philbrick, fig. 6, single Ethernet connector 424).

26. For claim 35, Philbrick-Microsoft discloses the invention as in claim 33. Philbrick-Microsoft further discloses said single integrated convergent network controller chip coupled to the single Ethernet connector has a single Internet protocol (IP) address (Philbrick, [0053] IP address).

27. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Philbrick-Haviv, in view of what was known in the art.

28. For claim 19, Philbrick-Haviv does not explicitly disclose the server comprises a blade server, and wherein the integrated chip is part of a blade mounted in the blade server.

However, Official notice is taken that it was well known in the art that a blade server comprises a plurality of servers, and the single integrated convergent network controller chip is part of a blade mounted in the blade server.

Therefore, it would have been obvious for one skilled in the art at the time of the invention to apply Philbrick to a blade server system to make use of advantages of a blade server system such as high space density.

### ***Conclusion***

29. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hieu T. Hoang whose telephone number is 571-270-1253. The examiner can normally be reached on Monday-Thursday, 8 a.m.-5 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HH

/Kenny S Lin/

Primary Examiner, Art Unit 2452